

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: December 7, 2012

Agenda Item #: 6

Agenda Item Title: Administrative Rule Review

Repeal and Reenact of R907-64. Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities.

Presented by: Lyle McMillan

Background:

The purpose of this rule change is to eliminate the need to publish notice when a telecommunication provider expresses interest in locating within the interstate right-of-way, because longitudinal access is now open all the time for all telecommunication providers.

The vast majority of deals with telecommunication providers have been to barter for fiber strands in other areas in exchange for the right to UDOT excess capacity or for the ability to trench in the Interstate right-of-way. This helps the telecommunication companies obtain faster access to complete their projects on time and it helps eliminate barriers to conducting business. The rule change will also correct references and eliminate unnecessary language.

Exhibits/Handouts:

Proposed R907-64
Administrative Rule Amendment Analysis
Fiscal Analysis

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Lynne Yocom
Fact sheet reviewed by senior leader: Lyle McMillan

Date submitted: 11/20/2012

R907. Transportation, Administration.

~~[R907-64. Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities.~~

~~R907-64-1. Purpose.~~

~~The purpose of this rule is to implement a program for facilitating longitudinal access and wireless access to interstate highway rights of way to provide for the installation, operation and maintenance of wireline and wireless telecommunications facilities in the rights of way. This rule recognizes the importance of quality of infrastructure of the Interstate System and that the safety and convenience of users of the Interstate System must be preserved to the greatest extent possible. Compatible with this principle, the rule also permits the use of the rights of way of the Interstate System for telecommunications facilities that support Federal and State laws that encourage competition in telecommunications services and the deployment of advanced telecommunications technologies. The Department shall, through designated personnel, facilitate such installations and maintenance of such facilities, which comply with the criteria established by this rule.~~

~~R907-64-2. Authority.~~

~~Subsection 72-7-108(2)(a) states that, except as provided in Subsection (4), the Department may allow a Telecommunication Facility Provider longitudinal access to the right of way of a highway on the Interstate System for the installation, operation, and maintenance of Telecommunication Facility.~~

~~R907-64-3. Definitions.~~

~~(1) "Department" means the Department of Transportation.~~

~~(2) "Clear Zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. The width of the clear zone is dependent upon the traffic volumes, speeds and the roadway geometry.~~

~~(3) "Interstate System" means any existing or future highway included as a part of the national system on interstate and defense highways, as provided in the Federal Aid Highway Act of 1956 and any supplemental or amendatory acts, and which primarily consist of Interstate Highways I-15, I-215, I-70, I-80, and I-84.~~

~~(4) "Longitudinal access" means access to or use of any part of a right of way of a highway on the Interstate System that extends generally parallel to the right of way for a total of 30 or more linear meters.~~

~~(5) "Permit" means a document issued by the Department of Transportation to a Telecommunications Facility Provider which specifies the requirements and conditions under which longitudinal or wireless access to highway right of way of the Interstate System shall be allowed.~~

~~(6) "Right of way" means real property or an interest in real property, usually in a strip, acquired for or devoted to a highway.~~

~~(7) "Telecommunication Facility" means any telecommunication~~

cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system and device used to transmit, receive, produce or distribute via wireless, wireline, electronic, or optical signal for communication purposes.

(8) "Telecommunications Facility Provider" means any owner or operator of a Telecommunication Facility.

(9) "Utility" includes telephone, wireline and wireless, gas, electricity, cable television, water, and sewer transmission lines, drainage and irrigation systems, and other similar utilities located in, on, along, across, over, through, or under any highway of the State Highway System.

(10) "Wireless access" means access to and use of any part of a right of way or rights of way on, any highway of the Interstate System for the purpose of constructing, installing, maintaining, using and operating Telecommunication Facilities for wireless telecommunications.

R907-64-4. Access Policy.

(1) Telecommunication facility accommodations on the Interstate System shall comply with the federal utilities accommodations policies set forth in 23 CFR 645 (1997): "It is in the public interest for utility facilities to be accommodated on the right of way when such use and occupancy of the highway right-of way do not adversely affect highway or traffic safety, or otherwise impair the highway or its aesthetic quality, and do not conflict with the provisions of Federal, State or local laws or regulations."

(2) The Department also acknowledges that recent Federal and State Legislation, primarily the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 70 (Feb. 8, 1996) and Utah Code Section 54-8b-1, encourage competition in the provision of telecommunications services, and the development and deployment of advanced telecommunication technologies, infrastructure, and networks. These legislative initiatives in turn have increased demand for rights of way, including highway rights of way, for the installation of Telecommunication Facilities necessary to support increased competition and deployment of an advanced telecommunication infrastructure.

(3) The Department also recognizes that longitudinal access and wireless access for Telecommunication Facilities may be provided without compromising highway integrity, safety, normal highway operation or maintenance activities, while contributing to the deployment and efficient operation of intelligent transportation systems.

(4) Therefore, effective on or after August 17, 1999, the Department may allow longitudinal access and wireless access on highways of the Interstate System for placement, construction, installation, maintenance, repair, use, operation, replacement and removal of Telecommunication Facilities, as authorized by Utah Code Section 72-7-108 and subject to compliance with this rule.

This rule applies only to longitudinal access and wireless access for Telecommunication Facilities on rights of way within the Interstate System and does not alter the existing policy concerning other Utilities on interstate rights of way, or for accommodating Utilities on other facilities under the jurisdiction of the Department.

~~R907-64-5. Limitations and Conditions.~~

~~(1) Longitudinal and wireless access of Telecommunication Facilities shall be permitted only as approved by the Executive Director or designee in accordance with the criteria and procedures set forth in this rule.~~

~~(2) Occupancy by longitudinal access or wireless access shall comply with, and produce no significant compromise of, the following factors:~~

~~(a) highway safety requirements of federal and state law;~~

~~(b) written policy and agreements adopted by the Department;~~

~~(c) safe use of highways in the Interstate System by the traveling public;~~

~~(d) prudent use and management of the Interstate System and its rights of way;~~

~~(e) highway design;~~

~~(f) highway construction;~~

~~(g) highway operational and/or technical capacity;~~

~~(h) highway maintenance or stability;~~

~~(i) future expansion of the Interstate System;~~

~~(j) physical environmental features; and~~

~~(k) physical capacity of the right of way to accommodate longitudinal access.~~

~~(3) In the interest of safety and preservation of the highway facility and pavement structure, the placement, installation, maintenance, repair, use, operation, replacement and removal of Telecommunications Facilities with longitudinal access or wireless access to the Right of way of the Interstate System shall be accommodated only when in compliance with the "MANUAL FOR ACCOMMODATION OF UTILITIES AND THE CONTROL AND PROTECTION OF STATE HIGHWAY RIGHTS OF WAY," as adopted by rule (Rule 930-6), and with 23 CFR 645 (1997), Subpart B, "Accommodation of Utilities."~~

~~(a) The location of all Telecommunication Facilities, whether above ground or below ground installations, including towers, pedestals, poles and boxes, within the highway right of way of the Interstate System shall be as set forth in the permit and/or the negotiated agreement between the Telecommunications Facility Provider and the Department. Telecommunications Facilities shall avoid: (a) use of through traffic roadways, lanes and ramps for construction, inspection, testing or maintenance activities; (b) placement of facilities within the median strip; (c) placement of facilities in a non-uniform alignment; (d) placement of facilities in places other than at or adjacent to the Right of way line and beyond the recovery or clear zone area; or (e) placement of facilities within the clear zone of through traffic roadways, lanes or ramps. The Executive Director~~

or designee is authorized to grant variances from the Manual and guidelines on a case-by-case basis. Variances will not be granted if, in the opinion of the Executive Director or designee, they create unacceptable risks or significant compromise of any factor listed in Subsection R907-64-5(2) of this rule.

(4) The Department may consider financial and technical qualifications of telecommunication facility providers, and specify insurance requirements for contractors authorized to enter Interstate System rights-of-way to construct, install, inspect, test, maintain or repair Telecommunication Facilities with longitudinal access or wireless access. During each period that the Department authorizes longitudinal access or wireless access for construction and installation, the Department may require approved Telecommunication Facility Providers to install Telecommunication Facilities into the same general location on the Interstate System; coordinate their planning and work; install in a joint trench; and equitably share costs.

(5) The Department shall manage and administer access to rights-of-way of the Interstate System in compliance with 47 U.S.C. 253-2005.

~~R907-64-6. Compensation.~~

(1) The Department shall require compensation from a Telecommunication Facility Provider under the provisions of Section 72-7-108 for longitudinal access or other use within the Right-of-way of the Interstate System consistent with the rate schedule adopted by the Department through rulemaking.

(2) Until the rate schedule has been formally adopted pursuant to Title 63C, Chapter 3, Utah Administrative Rulemaking Act, all agreements are subject to modification to comply with the rate schedule.

~~R907-64-7. Permits and Agreements.~~

(1) In accordance with 23 CFR 645 (2005), subpart B, "Accommodations of Utilities," the Utah Code Section 72-6-116 "Regulation of Utilities Relocation of Utilities," and Rule R930-6, which is described in the Department's "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights-of-Way," a Telecommunication Facility Provider shall be required to complete and sign an agreement with the Department prior to obtaining a permit for construction or installation of Telecommunication Facilities in the Right-of-way. Based on the statements of interest, if any, received by the Department in response to its advertisements of intent to consider opening highway segments in the Interstate System for construction and installation of Telecommunication Facilities, as provided for in Subsections R907-64-8(3) and (4) of this rule, the Department shall determine within 30 days of the deadline for the receipt of such statements of interest, whether to open such segments for such use. If the Department decides to open such segments of the Interstate System for construction and installation of Telecommunication Facilities, it shall notify each

Telecommunication Facility Provider which filed a statement of interest of such decision in writing and direct them to file with the Office of the Deputy Director an application, as modified by the Department from time to time, for a permit for longitudinal access or wireless access on rights of way in the Interstate System. The Department shall also specify the deadline for the filing of such permit applications.

(2) The Department will review each permit application within 30 working days following receipt thereof, in accordance with the criteria set forth in this rule. The review process will begin only when the Telecommunication Facility Provider(s) submits a complete permit application, including all documentation, as required in the "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights of Way," Rule R930-6. No later than the end of the 30 working day review period, the Department will either: (a) issue to the Telecommunications Facility Provider a written notice that the permit application is accepted for the negotiation of an agreement for the construction and installation of Telecommunication Facilities in the right of way segment, or (b) issue to the Telecommunication Facility Provider a written denial of the permit application, together with the specific reasons why the permit application was not approved, based on the criteria set forth in this rule. If the Telecommunication Facility Provider's permit application has been accepted for negotiation of an agreement, the Department shall commence such negotiations not later than ten working days after the date of such notice of acceptance and shall proceed in a diligent manner to favorably conclude such negotiations, to execute the Department's standard form agreement with negotiated modifications necessary to accommodate the unique needs of each project, and to issue a permit for the construction and installation of Telecommunication Facilities in the right of way segment.

(3) Each agreement and permit shall comply with the contracting requirements listed or incorporated herein and authorize longitudinal access or wireless access only for the shorter of: (a) the time period requested by the Telecommunications Facility Provider, or (b) 30 years.

(4) No permit shall be issued prior to an agreement having been reached between the Department and Telecommunication Facility Providers. Failure of the parties to reach agreement shall cause longitudinal access to be denied and no permit shall be issued.

R907-64-8. Limited, Periodic Opportunities for Installation for Longitudinal Access.

(1) In order to minimize adverse impacts to rights of way and related highway facilities and pavement structures within the Interstate System and to avoid significant compromise of the safe, efficient and convenient use of the Interstate System for the traveling public, advertising for longitudinal access for constructing and installing Telecommunication Facilities in any particular segment of such Rights of Way shall be limited in

~~frequency to once every 18 months, except that the Executive Director or designee may permit construction and installation of Telecommunications Facilities with longitudinal access more frequently than once every 18 months, based on factors in Section 64-5(2) of this rule.~~

~~(2) the 18 month period shall begin on the date of the Department's formal notice of intent to open access to any highway segment in the Interstate System which has been noticed.~~

~~(3) When exercising the discretion to permit construction and installation of Telecommunications Facilities with longitudinal access to the Interstate System, the Executive Director or his or her designee shall consider all factors relevant to the Department's policy with respect to utility accommodations as expressed in this rule, including the safe, effective, efficient use of highways in the Interstate System by the traveling public, impacts on the Interstate System's operational capacity, and prudent economic management of the Interstate System. The Department may perform capacity surveys of the Interstate System rights of way to assure that longitudinal access is feasible prior to opening any segment of the Interstate System to longitudinal access for new or additional Telecommunication Facilities.~~

~~(4) The Department will advertise intent to consider opening highway segments in the Interstate System to provide opportunities for constructing and installing Telecommunications Facilities for longitudinal access and wireless access, by one or more of the following means; provided, however, that Telecommunication Facility Providers who have been granted a certificate of convenience and necessity by the Public Service Commission of Utah shall be given actual notice by mail:~~

~~(a) Publication of the intent notice for not less than five consecutive days in a newspaper of national circulation;~~

~~(b) Publication of the intent notice for not less than five consecutive days in a newspaper of statewide circulation;~~

~~(c) Publication of notices of the intent in the calendar or other regular publications of the Department and/or those of other state agencies or Departments; or~~

~~(d) Press or news releases from the Department to newspapers, magazines, periodicals, or telecommunications industry publications.~~

~~(5) Advertisements and notices of intent to consider opening highway segments for constructing and installing Telecommunications Facilities in Interstate System highway rights-of-way whether for longitudinal access or wireless access, shall contain all of the following:~~

~~(a) A description of the segment or segments of the Interstate System for which longitudinal access for the installation and construction of Telecommunications Facilities are proposed;~~

~~(b) A deadline that is not less than 30 days from the first date of publication or release of an advertisement or notice of intent to consider opening, as described above in Subsection (3),~~

~~for the filing of statements of interest with the office of the Deputy Director by Telecommunications Facility Providers regarding their interest in installing and constructing Telecommunications Facilities in one or more specified highway segments of the Interstate System; and~~

~~— (c) The required contents of the statements of interest, to be filed in response to the advertisements or notices, shall include the identity of the interested party, the financial and technical qualifications of the interested party, and any other information specified by the Department in the advertisement or notice.~~

~~— (6) Statements of interest received by the Department shall be processed in accordance with the requirements set forth herein. Based on its review of the statements of interest received, the Department will notify those Telecommunication Providers who submitted statements of interest of its intent to open one or more of the highway segments advertised within 30 days. This notice will include instructions to initiate the permitting process as specified in "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights of Way," (Rule R930-6).~~

~~— (7) The Department may enter into negotiations with one or more of the interested parties filing Statements of Interest toward the execution of an agreement or agreements and permits required under Section R907-64-7 above. After executing an agreement and permit, each telecommunications facility provider shall file them with the office of Right of Way.~~

~~R907-64-9. Removal and Relocation.~~

~~— Pursuant to Subsection 72-7-108(7)(c) the Department shall require the removal and/or relocation of Telecommunication Facilities located on the Interstate System when highway changes are required to provide for the free and safe flow of traffic at the Telecommunication Facility Provider's expense. If prudent management of the interstate highway rights of way demand, The Department may require removal and/or relocation of such Telecommunication Facilities upon expiration or earlier termination of the permit or other agreements at the Telecommunication Facility Provider's expense, in accordance with applicable law.~~

~~KEY: right-of-way, interstate highway system~~

~~Date of Enactment or Last Substantive Amendment: January 12, 2009~~

~~Notice of Continuation: September 18, 2008~~

~~Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-6-116]~~

R907-64. Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities.

R907-64-1. Purpose.

The purpose of this rule is to implement a program for facilitating longitudinal access and wireless access to interstate system rights-of-way to provide for the installation, operation and maintenance of cable and wireless telecommunication facilities in the rights-of-way. This rule recognizes the importance of quality infrastructure on the interstate system and that the safety and convenience of users of the interstate system must be preserved to the greatest extent possible. Compatible with this principle, the rule also permits the use of the rights-of-way of the interstate system for telecommunication facilities that support Federal and State laws that encourage competition in telecommunication services and the deployment of advanced telecommunication technologies. The department, through designated personnel, may facilitate such installations and maintenance of such facilities, which comply with the criteria established by this rule.

R907-64-2. Authority.

Subsection 72-7-108(2)(a) states that, except as provided in Subsection (4), the department may allow a telecommunication facility provider longitudinal access to the right-of-way of a highway on the interstate system for the installation, operation, and maintenance of a telecommunication facility.

R907-64-3. Definitions.

(1) "Department" means the Utah Department of Transportation,

(2) "Clear zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes, speeds, and roadside geometry.

(3) "Interstate system" means the Dwight D. Eisenhower National System of Interstate and Defense Highways as defined in the Federal-aid Highway Act of 1956 and any supplemental acts or amendments.

(4) "Longitudinal access" means access to or use of any part of a right-of-way of a highway on the interstate system that extends generally parallel to the right-of-way for a total of 30 or more linear meters.

(5) "Permit" means encroachment permit, a document that specifies the requirements and conditions for performing work on the highway right-of-way.

(6) "Right-of-way" means a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

(7) "Telecommunication Advisory Council" means the Telecommunication Advisory Council created by Section 72-7-109.

(8) "Telecommunication facility" means any telecommunication cable, line, fiber, wire, conduit, innerduct, access manhole, hand hole, tower, pedestal, pole, box, transmitting equipment,

receiving equipment, power equipment or other equipment, system and device used to transmit, receive, produce or distribute via wireless, wire line, electronic, or optical signal for communication purposes.

(9) "Telecommunication facility provider" means any owner or operator of a telecommunication facility.

(10) "Utility" means privately, publicly, cooperatively, or municipally owned pipelines, facilities, or systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities, which directly or indirectly service the public, or any part thereof.

(11) "Wireless access" means access to and use of any part of a right-of-way or rights-of-way on, any highway of the interstate system for the purpose of constructing, installing, maintaining, using and operating telecommunication facilities for wireless telecommunications.

R907-64-4. Access Policy.

(1) The department acknowledges that Federal and State Legislation, primarily the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 70 (Feb. 8, 1996) and Utah Code Section 54-8b-1, encourage competition in the provision of telecommunication services, and the development and deployment of advanced telecommunication technologies, infrastructure, and networks. These legislative initiatives in turn have increased demand for rights-of-way, including highway rights-of-way, for the installation of telecommunication facilities necessary to support increased competition and deployment of an advanced telecommunication infrastructure.

(2) The department also recognizes that longitudinal access and wireless access for telecommunication facilities may be provided without compromising interstate system integrity, safety, normal interstate system operation or maintenance activities, while contributing to the deployment and efficient operation of intelligent transportation systems.

(3) Therefore, effective on or after August 17, 1999, the department may allow longitudinal access and wireless access on highways of the interstate system for placement, construction, installation, maintenance, repair, use, operation, replacement and removal of telecommunication facilities, as authorized by Section 72-7-108 and subject to compliance with this rule. This rule applies only to longitudinal access and wireless access for telecommunication facilities on rights-of-way within the interstate system and does not alter the existing policy concerning other utilities on system rights-of-way, or for accommodating utilities on other facilities under the jurisdiction of the department.

R907-64-5. Limitations and Conditions.

(1) Longitudinal and wireless access of telecommunication

facilities shall be permitted only as approved by the department in accordance with the criteria and procedures set forth in this rule.

(2) In the interest of safety and preservation of the highway facility and pavement structure, the placement, installation, maintenance, repair, use, operation, replacement and removal of telecommunication facilities with longitudinal access or wireless access to the right-of-way of the interstate system shall be accommodated only when in compliance with Rule 930-7 Utility Accommodation.

(3) The department may consider financial and technical qualifications of telecommunication facility providers, and specify insurance requirements for contractors authorized to enter interstate system rights-of-way to construct, install, inspect, test, maintain or repair telecommunication facilities with longitudinal access or wireless access. When the department authorizes longitudinal access or wireless access for construction and installation, the department may require approved telecommunication facility providers to install telecommunication facilities into the same general location on the interstate system, coordinate their planning and work, install in a joint trench, and equitably share costs.

(4) Access to rights-of-way of the interstate system shall be administered in compliance with 47 U.S.C. 253 2005.

R907-64-6. Compensation.

The department shall require compensation from a telecommunication facility provider under the provisions of Section 72-7-108 for longitudinal access or other use within the right-of-way of the interstate system consistent with R907-65-10, R907-65-12 and R907-65-13.

R907-64-7. Permits and Agreements.

In addition to the requirements of R930-7, a telecommunication facility provider shall be required to complete and sign an agreement with the department prior to obtaining a permit for construction or installation of telecommunication facilities in the right-of-way.

R907-64-8. Public Involvement.

The department will advertise the Telecommunication Advisory Council public meeting whenever a permit for longitudinal access has been submitted to the department to access highway segments in the interstate system. This will allow other telecommunication providers opportunity to share joint placement of telecommunication facilities. Any interested parties may attend the public meeting to voice opinions to the Telecommunication Advisory Council as authorized by Section 72-7-108. The Telecommunication Advisory Council will assist the department in valuing in-kind compensation in accordance with 72-7-108(3)(c).

R907-64-9. Removal and Relocation.

Pursuant to Subsection 72-7-108(7)(c) the department shall require the removal or relocation of telecommunication facilities located on the interstate system to accommodate operations and highway projects at the telecommunication facility provider's expense. The department may require removal or relocation of such telecommunication facilities upon expiration or earlier termination of the permit or other agreements at the telecommunication facility provider's expense, in accordance with applicable law.

KEY: right-of-way, interstate system, telecommunications, longitudinal access

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-7-108; 72-7-109; 54-8b-1

Administrative Rule Amendment Analysis

R907-64

Purpose of the rule or reason for the change: The purpose of this rule change is to eliminate the need to publish notice when a telecommunication provider expresses interest in locating within the Interstate right-of-way, because longitudinal access is now open all the time for all telecommunication providers. This change is also supported by the fact that the vast majority of deals with telecommunication providers have been to barter for fiber strands in other areas in exchange for the right to UDOT excess capacity or for the ability to trench in the Interstate right-of-way.

Summary of the rule or change: The rule change will eliminate the requirement to advertise the opening of longitudinal access in the interstate right-of-way because access is always open to allow telecommunication companies faster access to complete their projects on time and to eliminate barriers to conducting business. The rule change will also correct references and eliminate unnecessary language.

Aggregate anticipated cost or savings to:

A) State budget: Eliminating the requirement to advertise the opening of longitudinal access in the interstate right-of-way will provide a more consistent process for placement of telecommunication facilities, and will create a cost saving to the state budget by eliminating an administrative step.

B) Local government: There is no cost impact to local governments because they are not involved in the longitudinal access for the Interstate.

C) Small businesses (less than 50 employees): Small telecommunications companies will have the same ability to access the interstate right-of-way for telecommunication facilities as larger companies. By providing non exclusive access to all telecommunications companies, the costs savings can be substantial, but vary significantly depending on the circumstances.

D) Persons other than small businesses, businesses, or local government entities: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities because the rule only applies to longitudinal access to interstate right-of-way for telecommunications companies.

Compliance costs for affected persons: There are no anticipated compliance costs because the changes to the rule only streamline the process to request longitudinal access to interstate right-of-way for telecommunications companies

Suggested comments by the department head on the fiscal impact the rule may have on businesses: Any fiscal impact to businesses resulting from this rule change will be positive because the changes keep longitudinal access availability open to all telecommunication companies and eliminates the requirement to advertise longitudinal access, making the process more efficient for the department and for telecommunications companies

Fiscal Analysis

Additional information required by Governor's Executive Order Dated Dec. 6, 2011

Does the proposed rule or amendment have non-fiscal impacts or burdens directly or indirectly on the:

A) State budget? This proposed rule amendment does not have non-fiscal impacts or burdens on the State budget. The proposed rule amendment will streamline the process to gain rights of way access for telecommunication providers.

B) Local governments? This proposed rule amendment does not have non-fiscal impacts or burdens on Local governments. The proposed rule amendment will make it easier for Local governments to get connectivity from telecommunication providers that need to occupy Interstate rights of way.

C) Small businesses? Small businesses telecommunication providers will be able to compete on equal ground as big telecommunication providers. No additional burden is created but equal opportunity is.

D) Persons other than small businesses, businesses, or local governmental entities? This rule only applies to small businesses, businesses, or local government entities doing telecommunication installations in the Interstate rights of way. Others will not experience direct and indirect non-fiscal impacts of burdens. .

If there is a negative impact on small business, is it possible to:

There is no negative impact on small business. Small business is helped with this proposed rule amendment by creating an easier rights of way opportunity.

A) establish less stringent compliance or reporting requirements?

Not needed because there is no negative impact.

B) establish less stringent schedules or deadlines?

Not needed because there is no negative impact.

(C) consolidate or simplify reporting or compliance requirements?

Not needed because there is no negative impact.

(D) establish performance standards rather than design or operational standards?

Not needed because there is no negative impact.

(E) exempt from all or any part of the requirements?

Not needed because there is no negative impact.

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: December 7, 2012

Agenda Item #: 7

Agenda Item Title: Accomplishments, Conditions and Needs Report

Presented by: Rob Clayton

Background:

Rob Clayton will give a presentation on ITS Development and Operations' accomplishments, conditions and needs.

Exhibits/Handouts:

Audio/Visual: PowerPoint Presentation

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:



Traffic Management Division

Accomplishments and Needs Report

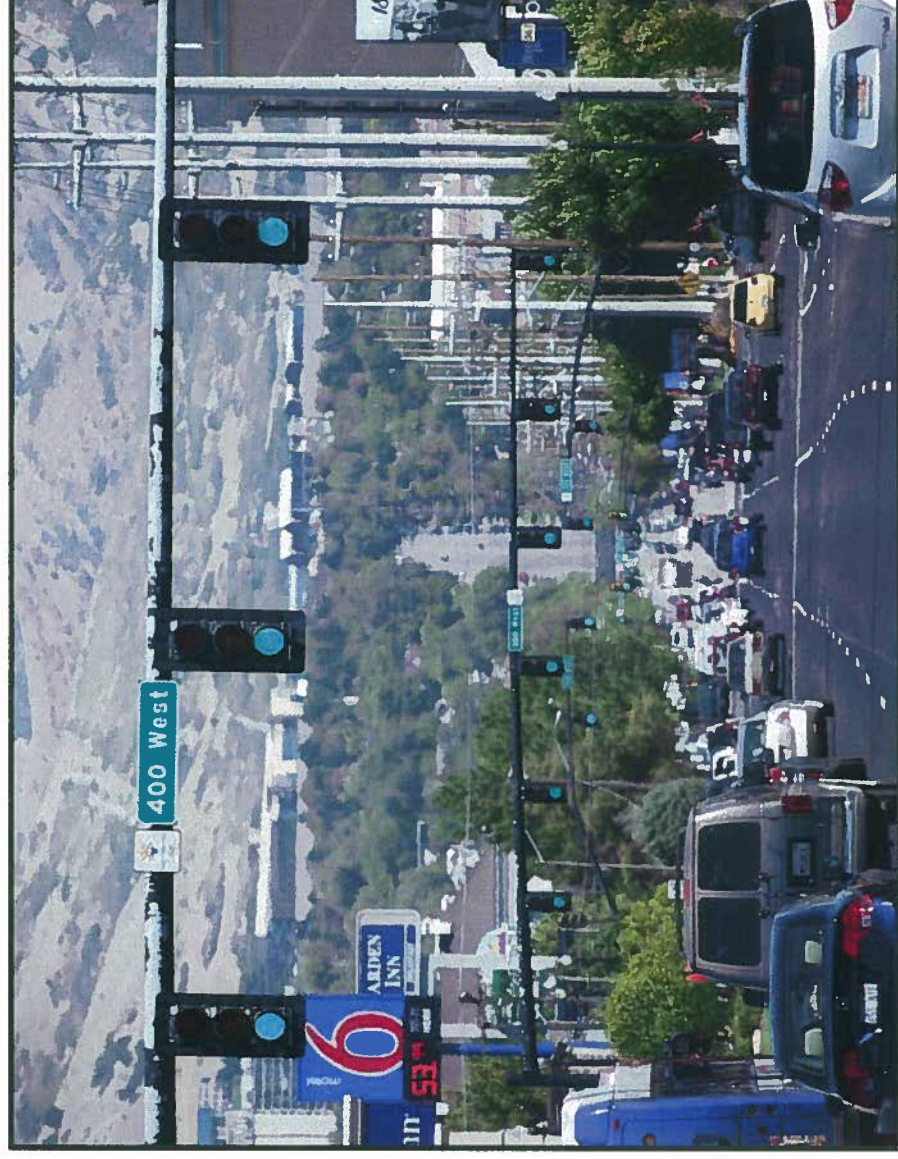
Report to the Utah Transportation Commission
December 7, 2012

Rob Clayton, P.E., PTOE
Director of Traffic Management

Selected 2012 Accomplishments

- Traffic Signal Program: Transition to World Class
- Strategic ATMS deployments
- Improved Traveler Information
- New marketing strategy: Launch of “UDOT Traffic”
- Operational expertise provided for key Region projects

Traffic Signal Program: Transition to World Class

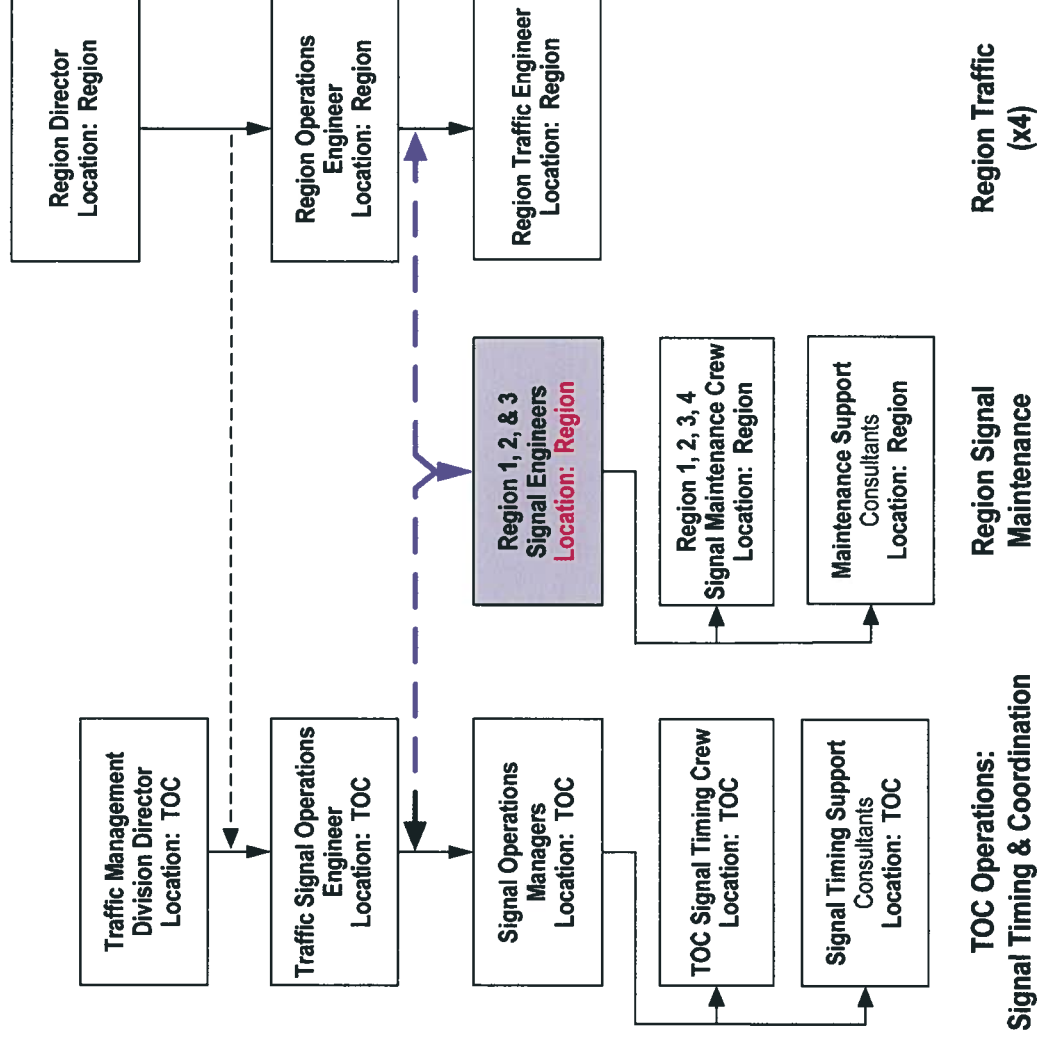


Traffic Signal Program: Transition to World Class

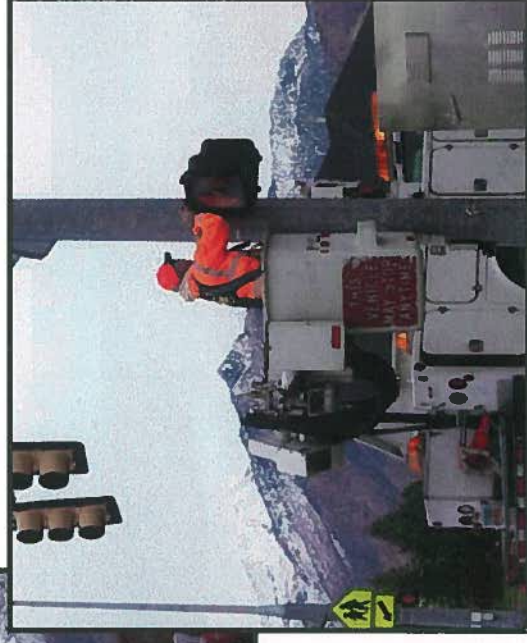
Progress in 2012:

1. Developed and implemented a matrix organization.
2. Began the transition from reactive to proactive traffic signal maintenance.
3. Implemented a means to monitor and measure the performance of the traffic signal network.

Traffic Signal Program: New Matrix Organization



Traffic Signal Program: Proactive Signal Maintenance

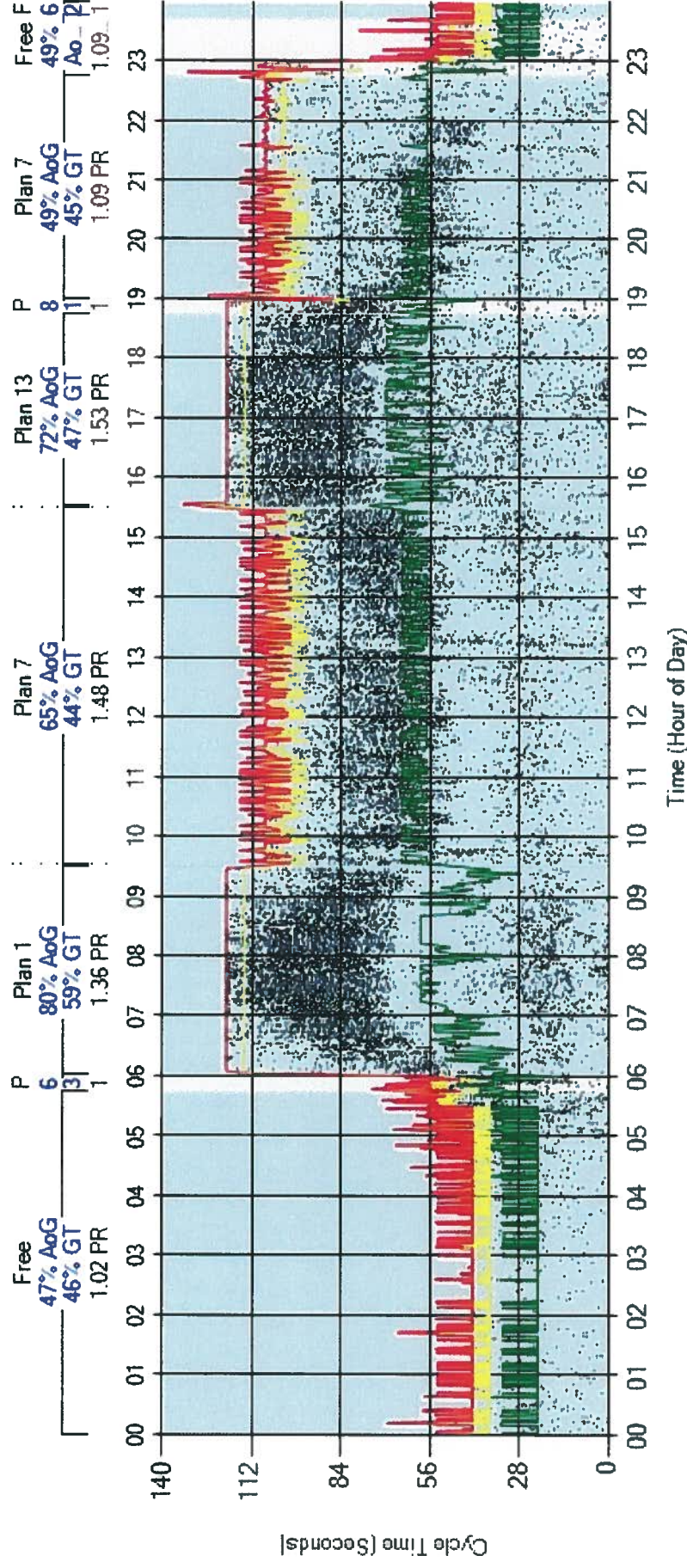


Traffic Signal Program:

Real-time performance measures

Bangerter Highway 9800 South Signal 7365 Phase 2 Northbound
Thursday, November 29, 2012 12:00 AM - Thursday, November 29, 2012 11:59 PM

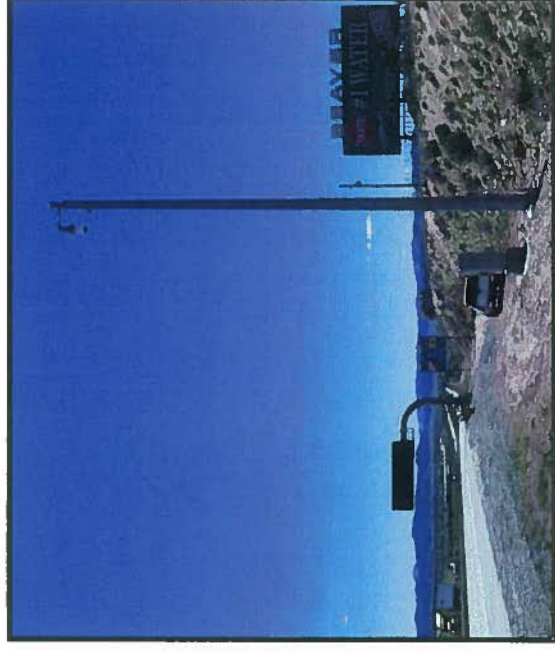
68% AoG



“Arrivals on Green” – a measure of the quality of coordination

Strategic ATMS Deployments: VMS

- I-15, SB in Beaver
- I-15, SB before Toquerville
- I-15, NB in Cedar City
- I-15, SB in Scipio
- I-15, NB in Fillmore
- I-15/I-70 Interchange (3)
- US-40, NB and SB in Heber
- SR-201, WB at 3500 W and 4800 W
- Bangerter, NB at 2300 S
- I-15 CORE, 4 signs in N Utah County



Strategic ATMS Deployments: Expansion of the Fiber Optic Network



Strategic ATMS Deployments:

Expansion of the Fiber Optic Network

Highlights:

Region 1

- I-15, Ogden to SR-30
- SR-30, I-15 to Logan

Region 3

- US-189, Deercreek Dam to Heber
- Utah County Blvd, Highland to PG
- SR-73, Saratoga to Eagle Mtn

Region 2

- North Temple (w/UTA)
- UTOPIA signal interconnect (73)

Region 4

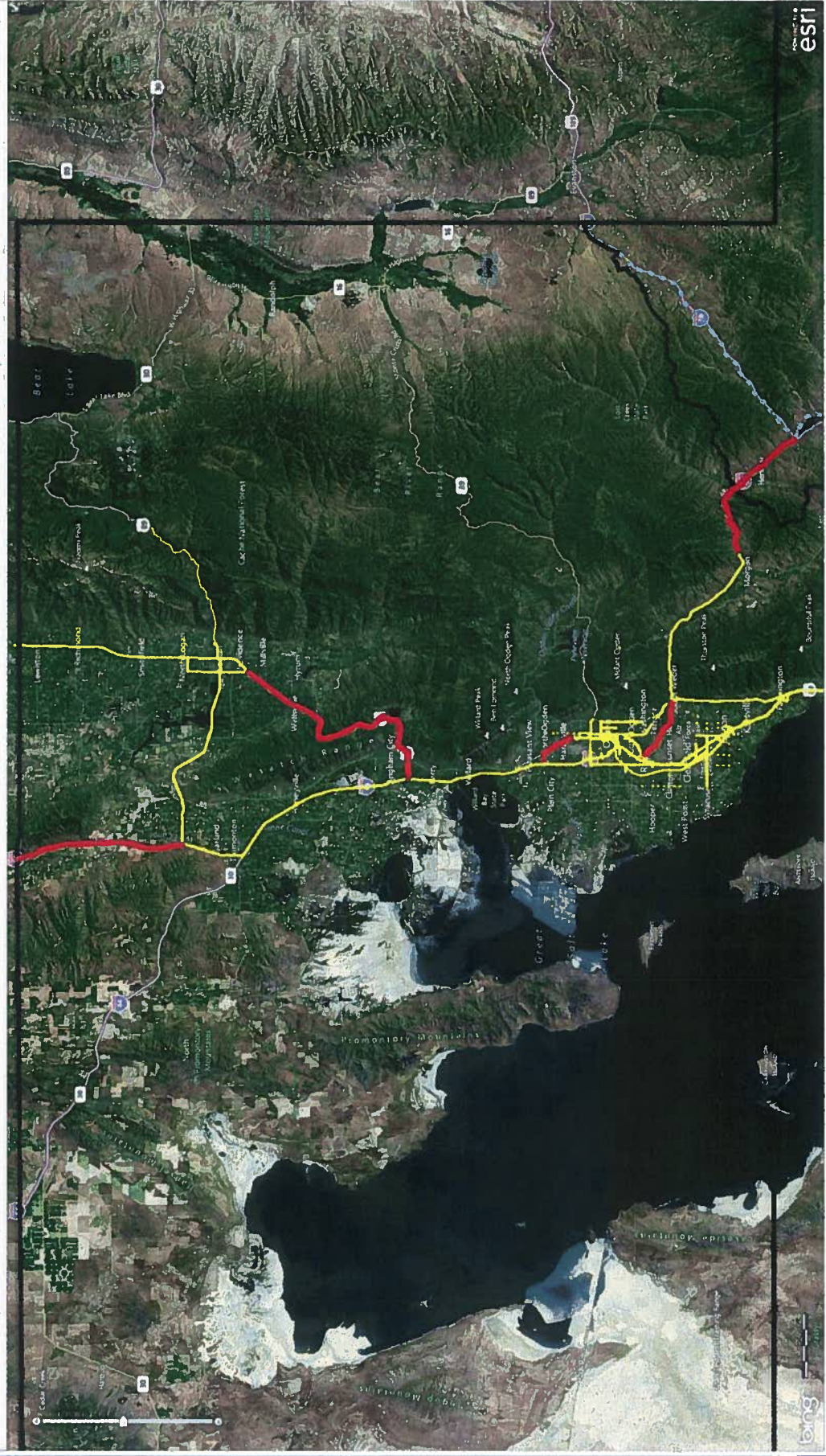
- I-15, Hamilton Fort to Cedar City
- I-15, South Beaver to North Beaver
- I-15, Scipio to Holden

Strategic ATMS Deployments: Expansion Plan for the Fiber Optic Network

ArcGIS UDOT Fiber Priorities

New Map My Content Help Sign In

Details Add Basemap Measure Bookmarks Find address or place Save Share Print



esri

bing

Improved Traveler Information





UDOT Traffic @UDOTTRAFFIC

WEATHER ALERT: Heavy road snow will continue to impact I-80 thru Parley's Cynn this morning. udottraffic.utah.gov /CLALertViewer... pic.twitter.com/CvhmUfe

11 Nov

[View photo](#)

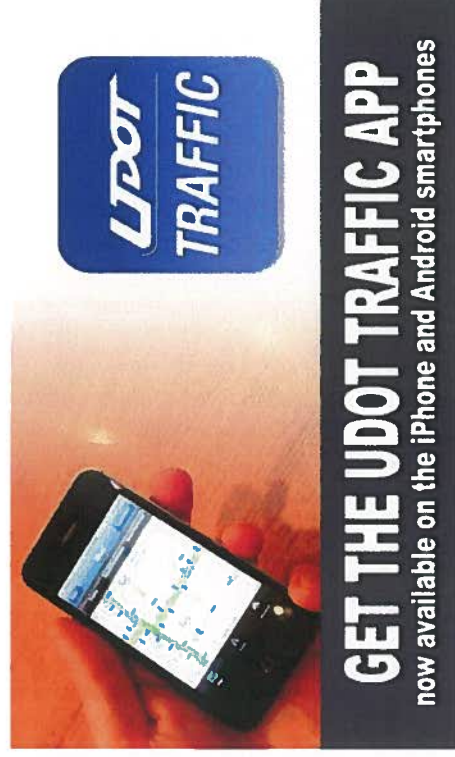
Improved Traveler Information

Progress in 2012:

1. Enhanced the road weather forecasting program to increase forecast frequency and geographic coverage.
2. Developed and are implementing a citizen reporting program for road weather conditions.
3. Developed and are implementing a communications tool for Little Cottonwood Canyon.

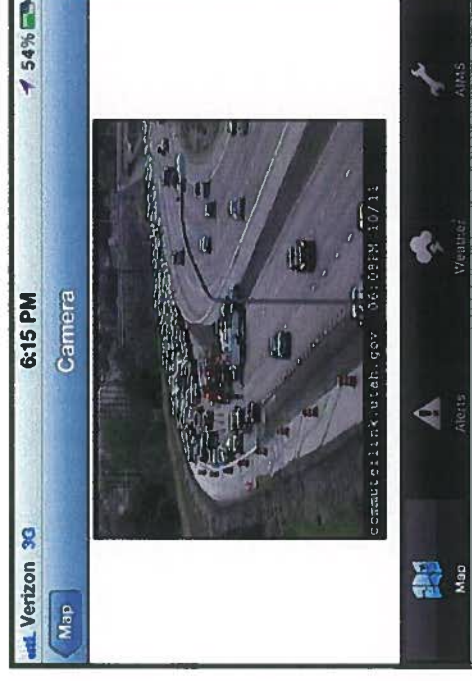
Improved Traveler Information: UDOT Traffic App

The UDOT Traffic app has been downloaded 92,000 times since its November 2011 release.

An advertisement for the UDOT Traffic App. It features a hand holding a smartphone displaying a traffic map. Above the phone is the UDOT Traffic logo, which consists of the word "UDOT" in a stylized blue font above the word "TRAFFIC" in a white font on a blue background. Below the phone, the text "GET THE UDOT TRAFFIC APP" is written in large, bold, white capital letters, followed by "now available on the iPhone and Android smartphones" in a smaller white font.

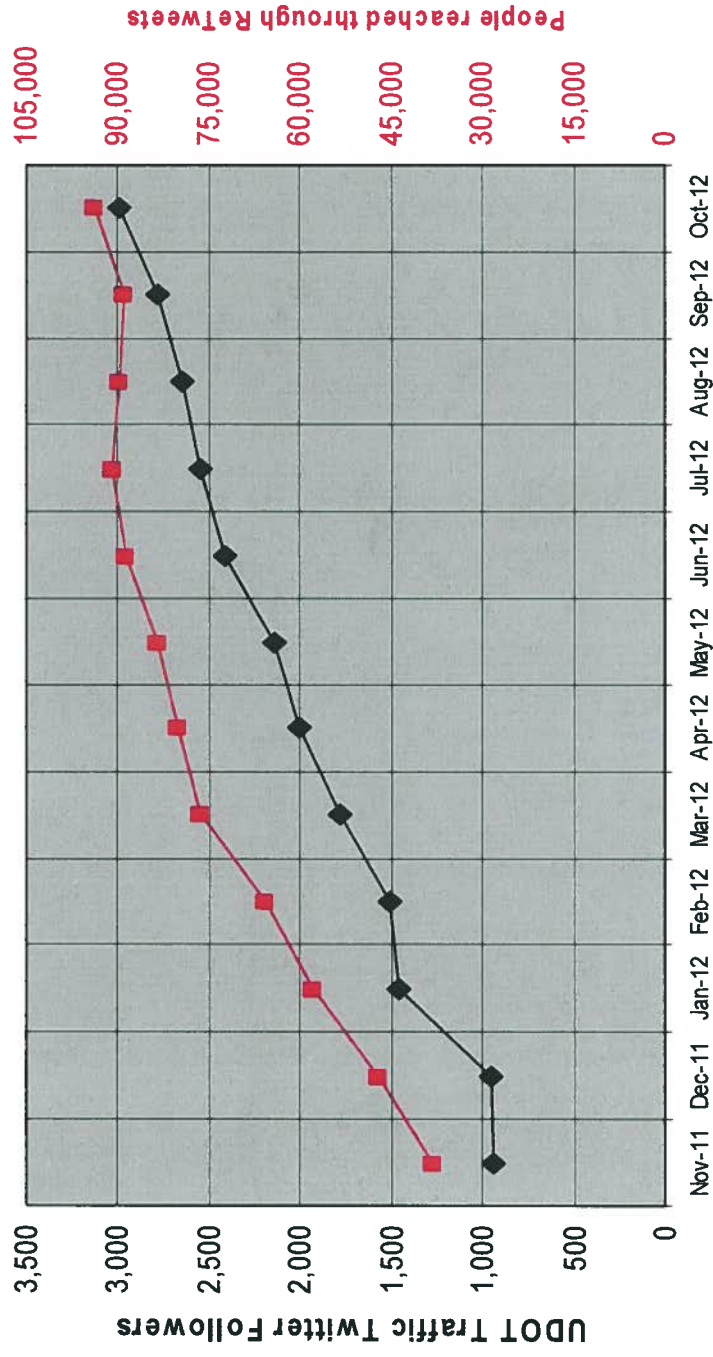
UDOT
TRAFFIC

GET THE UDOT TRAFFIC APP
now available on the iPhone and Android smartphones



Improved Traveler Information: UDOT Traffic Twitter account

UDOT Traffic Twitter Account



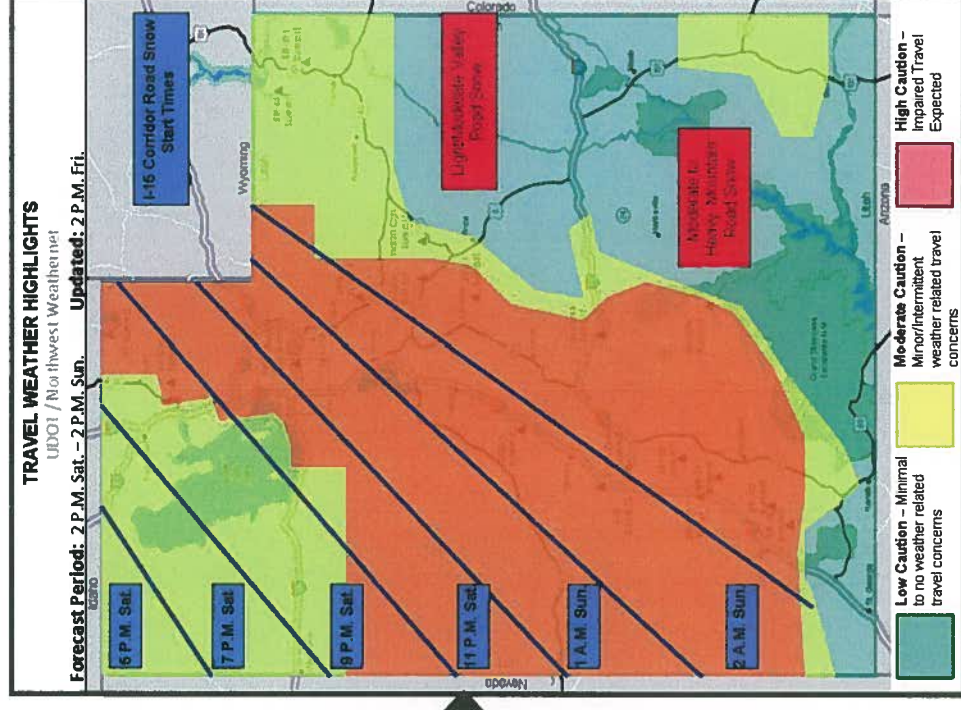
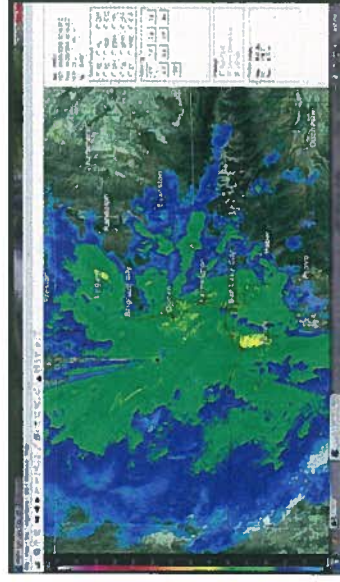
UDOT Traffic @UDOTTRAFFIC

11 Nov

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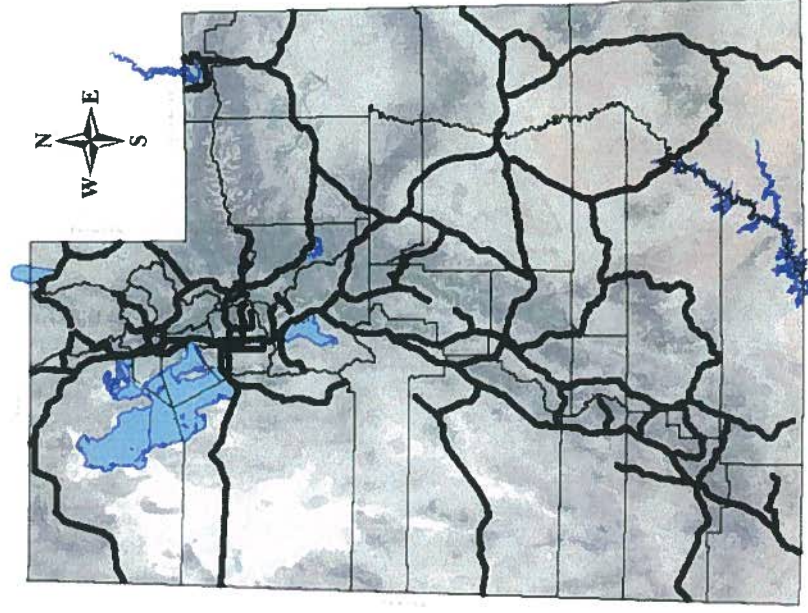
View photo

Improved Traveler Information: Enhanced Road Weather Forecasting



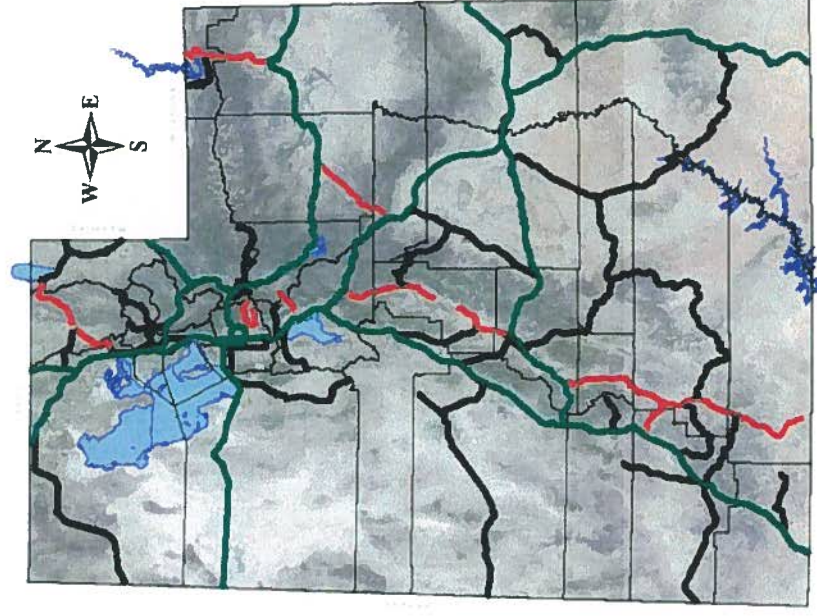
Improved Traveler Information: Enhanced Road Weather Forecasting

TATS Segments



— TATS Segments "Current Conditions"

Existing and New Forecast Segments



— Existing Road Conditions Forecast Segments
— TATS Segments "Current Conditions"
— New Road Conditions Forecast Segments

Improved Traveler Information: Citizen Reporting Program

- Recruit citizen volunteers to provide road weather reports
- Use technology to collect reports (mobile and web apps)
- Our meteorologists provide quality control
- Intended to supplement plow driver reports and road weather forecasts
- Testing this season with volunteer UDOT employees
- FHWA is documenting the project as a demonstration for other states.

Improved Traveler Information: Citizen Reporting Program

Citizen Reporting Program: Sample report using the mobile app



Improved Traveler Information: Little Cottonwood Canyon

Challenge:

Coordinate traveler information in the canyon from multiple agencies.

Unstable snow forces closure of Little Cottonwood Canyon
May 6, 2011



KSL.com

Avalanche covers road, Little Cottonwood Canyon now open
February 23, 2012

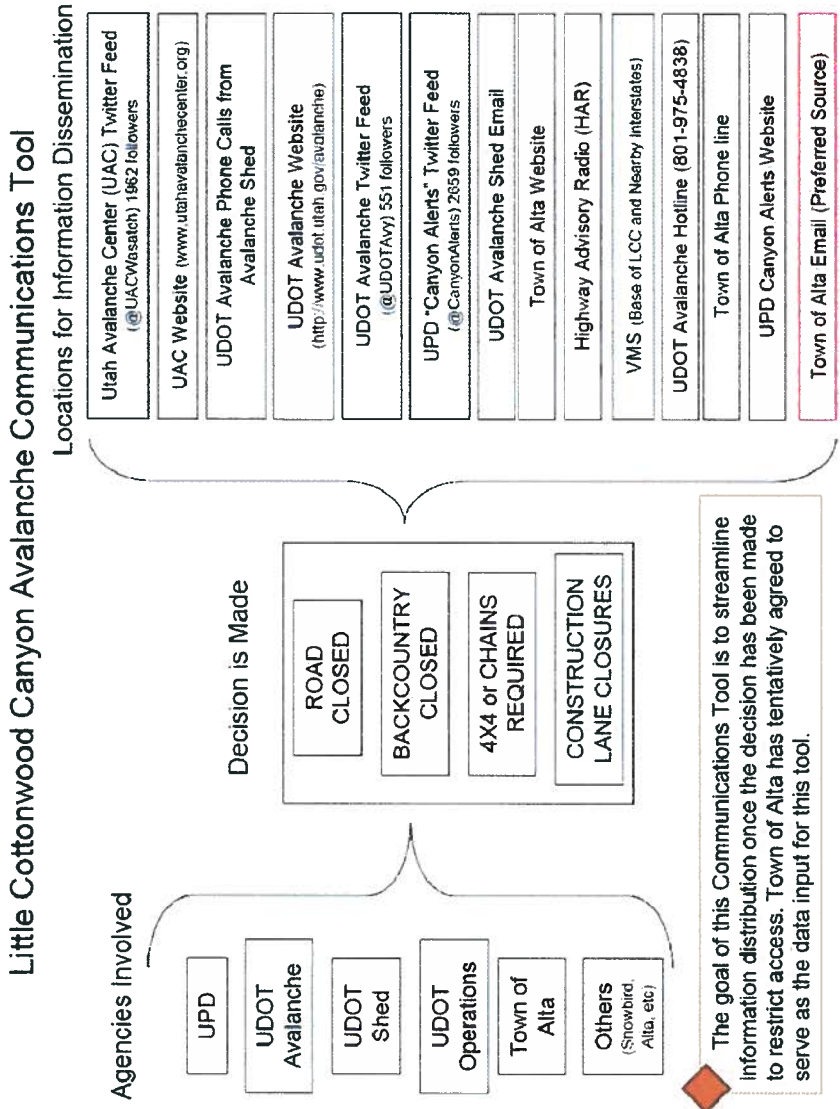


KSL.com

Improved Traveler Information: Little Cottonwood Canyon

Challenge:

Coordinate traveler information in the canyon from multiple agencies.



Improved Traveler Information: Little Cottonwood Canyon

The new communications tool:

- Formalizes the process for interagency information sharing
- Establishes a “clearinghouse” for public notifications – Town of Alta
- Ensures consistent information is being disseminated



New Marketing Strategy:

Re-evaluate the “CommuterLink” Brand

~ In the minds of the public ~ (2011)

- UDOT is primarily responsible for traffic
- UDOT needs to communicate traveler info more effectively
- Recognize CommuterLink – but can’t connect it
- Less concerned with WHO than WHERE
- Want it PUSHED to them
- Need it easily and readily accessible

New Marketing Strategy: Launch of “UDOT Traffic”

Public feedback summarized:

- CommuterLink was misunderstood as a brand
- CommuterLink was not intuitively connected to UDOT

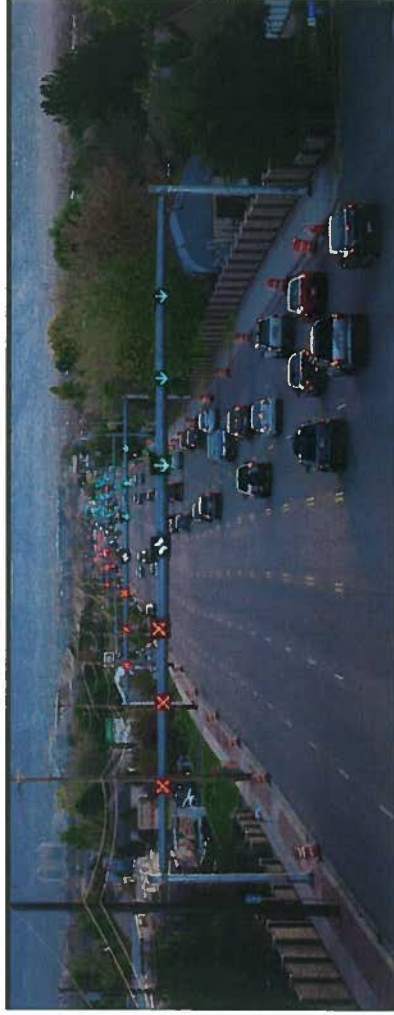
We were not connecting with our customers.



Traffic Operations Expertise

Technical support provided for complex Region projects:

- 5400 S Flex Lane project
- CFI at Sandhill Road / University Parkway
- DDI at Bangerter Highway / SR-201
- SPUI at Layton Hills Parkway / I-15



2013 - 2014 Priorities

- Personalization of the UDOT Traffic website and mobile app
- Strategic Maintenance Plan for every ATMS device
- ATMS and traffic signals System Health monitoring
- Performance monitoring of traffic signal operations
- Integration of UHP CAD data for statewide dispatch centers
- Replace statewide traffic signal control software
- VMS for US-6/I-70 interchange
- Fiber optics in Big and Little Cottonwood Canyons

FY 2014 Funding Request

Program	Purpose	FY 2013	FY 2014
Traffic Signal Operations	Traffic signal maintenance and operations; consultant and contractor support	\$ 5.6 M	\$ 5.6 M
ATMS Deployment	New devices; fiber optics; software solutions	\$ 3.0 M	\$ 3.0 M
ATMS Maintenance	Equipment; consultant and contractor support	\$ 0.8 M	\$ 0.8 M
Total (State)		\$ 9.4 M	\$ 9.4 M

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